

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:14-cv-00196-MR-DLH**

**U. S. COMMODITY
FUTURES
TRADING COMMISSION,**

Plaintiff,

vs.

**EDWIN A. VASQUEZ and
VASQUEZ GLOBAL
INVESTMENTS, LLC,**

Defendants.

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for an Order Authorizing Service upon Defendant Vasquez by Publication, Extending the Statutory Restraining Order and Continuing Hearing Date [Doc. 16].

The Plaintiff U.S. Commodity Futures Trading Commission ("Commission or "CFTC") filed a Complaint for permanent injunction and other relief against Defendant Edwin A. Vasquez ("Vasquez") and his company Defendant Vasquez Global Investments LLC ("VGI") (collectively "Defendants") on July 30, 2014. Plaintiff now moves, pursuant to Rule

4(e)(1) of the Federal Rules of Civil Procedure and North Carolina Rule of Civil Procedure 4(j1), N.C. Gen. Stat. § 1A-1, for an Order authorizing the Commission to publish summons issued to Defendant Vasquez in the Asheville Citizen-Times, a newspaper widely circulated in the Asheville, North Carolina area which includes Vasquez's last known location (Arden, NC), as well as a possible additional location (Brevard, NC).

Upon consideration of the Plaintiff's Motion and supporting Memorandum of Law, as well as the declarations and exhibits filed in support of the Motion, the Court finds that the Plaintiff has exhausted with due diligence all leads or information reasonably calculated to make personal service upon Defendant Vasquez possible; that the Plaintiff has demonstrated that service of the summons and complaint upon Vasquez by traditional means is impracticable; and that it is reasonable to conclude that publication of the summons, in the form provided by the Commission, in the Asheville Citizen-Times newspaper, a widely circulated newspaper in Asheville, Arden and Brevard, North Carolina, along with directions to the computer link to the Complaint on the Commission's website once a week for three (3) consecutive weeks is likely to give Vasquez notice of this action.

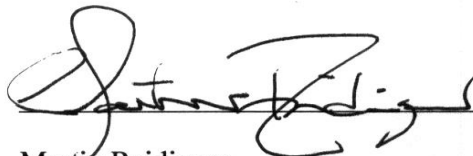
Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion for an Order Authorizing Service upon Defendant Vasquez by Publication, Extending the Statutory Restraining Order and Continuing Hearing Date [Doc. 16] is **GRANTED**, and the Plaintiff is hereby authorized to publish the summons in the Asheville Citizen-Times newspaper, along with directions to the computer link posted on the Commission's website, once a week for three (3) consecutive weeks in order to serve Vasquez by publication.

IT IS FURTHER ORDERED that the Statutory Restraining Order [Doc. 8] currently in effect as to Defendant Vasquez is continued in effect with respect to Defendant Vasquez until further Order of this Court.

IT IS FURTHER ORDERED that the hearing on the return of the Statutory Restraining Order, which hearing is currently scheduled for September 12, 2014, is hereby **RESCHEDULED** for **September 26, 2014 at 2:00 p.m.**

IT IS SO ORDERED.

Signed: September 9, 2014


Martin Reidinger
United States District Judge

